



Staff Report

File #: REPORT 19-0280, Version: 1

**Honorable Mayor and Members of the Hermosa Beach City Council
Regular Meeting of May 28, 2019**

**RESOLUTION SETTING THE SALARY AND DUTIES FOR THE
ELECTED CITY CLERK SHOULD THE NOVEMBER 5, 2019
BALLOT MEASURE FOR APPOINTED CITY CLERK FAIL**
(Assistant to the City Manager Nico De Anda-Scaia)

Recommended Action:

Staff recommends that the City Council adopt Resolution No. 19-XXXX setting the salary and duties for the Elected City Clerk, should the November 5, 2019 ballot measure seeking approval of the electorate for an Appointed City Clerk fail.

Executive Summary:

At the City Council's January 22, 2019 regular meeting, Council directed Staff and the City Attorney's Office to prepare a ballot measure for the November 5, 2019 General Municipal Election, asking the voters to change the elected City Clerk post to an appointed position. In anticipation of the ballot measure and accompanying resolution being brought to the City Council for approval at its following meeting on June 11, 2019, staff has prepared the attached resolution setting the salary of the elected City Clerk and the duties for which the elected position will be responsible for as of December 1, 2019. The Resolution would not affect the City's current elected City Clerk, who will be retiring at the conclusion of her current term in November 2019. Furthermore, the Resolution would be void should the ballot measure pass.

Background:

California State law requires every general law city to have a city clerk, who may be either elected by the voters or appointed. The statutory duties for this position are set forth in the Government Code, Sections 40801 through 40814, and include that the City Clerk: (1) keep an accurate record of the proceedings of the legislative body and the board of equalization in books bearing appropriate titles and devoted exclusively to such purposes, respectively; (2) is the accounting officer of the City and shall maintain records readily reflecting the financial condition of the City; (3) shall cause a summary of the City's financial report in a form prescribed by the State Controller; (4) keep a book marked "ordinances," and (5) is the custodian of the City seal.

State law further stipulates that there are only three requirements individuals must meet to run for and serve in the elected position of City Clerk: be at least 18 years old, live in the City, and be a

registered voter in Hermosa Beach. The City is prohibited from establishing any other requirements or qualifications beyond those listed in State law.

Due to the evolving nature of federal, state and local requirements and increasing complexities within the field of city clerkship, the vast majority of cities assure that they have a certified professional serving as city clerk by having an appointed, rather than an elected clerk. At Council's regular meeting on January 22, 2019, the current elected City Clerk recommended, and the City Council affirmed, that transitioning the City Clerk role to a professional appointed position is in the best interest of the City and its residents (**Attachment 2**). Toward this end, City Council directed staff to bring back a resolution required for placing a ballot question on the November 2019 General Municipal Election, asking voters to change the elected City Clerk position to an appointed office.

Discussion:

In Hermosa Beach, as obligations imposed on the City Clerk have increased over time, the City Manager's Department has absorbed key responsibilities of the City Clerk's Department, including agenda management, general records management and coordination of electronic document management systems, candidate and elected official orientations, public information, and oversight of the City website and calendars. Additionally, in the summer of 2018, City Clerk Department staff began reporting directly to the City Manager's Department.

Because these and other City Clerk Department duties require professional training and experience that an individual elected to the office of City Clerk would not necessarily have, the City has proposed the addition of a professional City Clerk Executive position in the Preliminary Fiscal Year 2019-20 Budget.

In anticipation of the ballot measure and accompanying resolution concerning the elected City Clerk position coming to the City Council for approval at its following meeting on June 11, 2019, staff has prepared the attached resolution (**Attachment 1**) setting the salary of the elected City Clerk and the duties for which the elected position will be responsible for as of December 1, 2019. The proposed Resolution would set the elected City Clerk salary to match that of the City's current elected City Treasurer, while benefits would continue to match that of City Councilmembers and the City Treasurer. Duties listed in the Resolution are ministerial while coinciding with State requirements, as the principal functions of the office will be performed by trained and certified employees. Furthermore, the Resolution will not affect the City's current elected City Clerk, who will be retiring at the conclusion of her current term in November 2019. The Resolution will be void should the ballot measure pass.

General Plan Consistency:

This report and associated recommendation have been evaluated for their consistency with Goal 3 of the City's General Plan; specifically Policy 3.1 providing increased access to services; 3.3 providing online materials; and 3.5 an expanded digital archive.

Fiscal Impact:

Currently, the elected City Clerk receives a salary of \$38,808. This rate was reduced from a previous salary amount of \$77,616 by Council Resolution #19-7160 on January 22, 2019. The proposed Resolution would set the elected City Clerk salary to \$6,360, matching that of the current elected City Treasurer. Benefits would continue to match that of City Councilmembers and the City Treasurer, for a total annual compensation for the City Clerk of \$28,568. These modifications would take effect upon expiration of the current elected City Clerk's term at the end of November 2019.

Additionally, as part of the Fiscal Year 2019-20 Preliminary Budget, the City has requested the addition of a fulltime permanent position to serve in the role of appointed Executive City Clerk-independent from any ballot measure outcome. The City Council will consider this personnel request separately as part of the City's budget proposal, therefore the fiscal impacts of this addition are not included with this item.

Attachments:

1. Draft Resolution 19-XXXX
2. Staff Report dated January 22, 2019

Respectfully Submitted by: Carol Cowley, Interim Deputy City Clerk

Concur: Nico De Anda-Scaia, Assistant to the City Manager

Noted for Fiscal Impact: Viki Copeland, Finance Director

Legal Review: Mike Jenkins, City Attorney

Approved: Suja Lowenthal, City Manager